

**REMARKS**

Claims 1, 2, 4, 5 remain in the case.

Reconsideration of this Application and entry of the foregoing amendments are requested. Claims 1, 2, 4, 5 have been amended in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by an enabling disclosure. Additional support for the amendments to claims 1, 2, 4, 5 can be found, for example, at paragraphs 0012, 0016 and 0018.

**REJECTIONS UNDER 35 U.S.C. § 103 FIRST PARAGRAPH**

The Examiner has rejected claim 1 as being unpatentable over U.S. Patent No. 6,234,062 to Griffin, under 35 U.S.C. § 103, first paragraph.

The Applicants respectfully traverse the rejection as follows.

Applicants amend claim 1 to more precisely recite what they believe is the invention, as supported in the description as filed.

Griffin discloses a hoist formed of a series of telescopically arranged tubular sections all telescopically intermitted together in an arrangement allowing a reduced size gas storage volume and/or a significant improvement in energy efficiency, by providing that a high gas pressure acts on a small area, followed by a lower pressure acting on a larger area (see column 3 lines 14-37).

Claim 1, as amended, on the other hand, calls for the sealing walls to permit ambient air to freely enter the hoist between the piston head and the respective tubular section. Applicant

submits that one having ordinary skill in the art would not be led to telescopic hoist of the present invention as now recited in claim 1 by the teachings of Griffin. In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 103, first paragraph.

The Examiner has rejected claims 2 and 4 as being unpatentable over U.S. Patent No. 5,983,778 to Dawson, under 35 U.S.C. § 103, first paragraph.

The Applicants respectfully traverse the rejection as follows.

Applicants amend claims 2 and 4 to more precisely recite what they believe is the invention, as supported in the description as filed.

Dawson discloses a telescopic hydraulic hoist mechanism made from rolled aluminum stock, which Dawson requires as lighter than the conventional steel alloys in available hoists and not subject to corrosion (see column 2 lines 48-58). Claims 2 and 4, to the contrary, require nitrided steel. The Examiner indicates that the selection of "a known material" is a design choice which would be obvious to one of ordinary skill in the art. It is clear, however, that Dawson teaches away from the material required in claims 2 and 4. Further, Dawson teaches using breathers on each hydraulic stage (see column 3 lines 22-29) to prevent dirt from being sucked into the hydraulic mechanism (see column 1, lines 10-11). As people in the art will appreciate, and as mentioned in the background section of the present application at page 2, these breathers are very quickly filled, which results in causing air to be pushed and aspirated through wipers installed on these piston heads, these wipers therefore being very rapidly damaged, thereby leaving debris to contaminate the hoist. Claims 2 and 4, as amended, on the other hand, call for

the free entry of ambient air into the hoist, between the piston head and the respective tubular section.

From the foregoing, it is respectfully submitted that Dawson teaches away from a telescopic hoist arrangement as now recited in claims 2 and 4. In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 2 and 4 under 35 U.S.C. § 103, first paragraph.

The Examiner has rejected claim 5 as being unpatentable over U.S. Patent No. 5,983,778 to Dawson, under 35 U.S.C. § 103, first paragraph.

Applicants have amended claim 5 to more precisely claim the invention, as supported in the description as filed.

Here again, Dawson teaches away from a telescopic hoist arrangement as now recited in claim 5 as amended. Dawson discloses a telescopic hydraulic hoist mechanism made from rolled aluminum stock, which Dawson requires as lighter than the conventional steel alloys in available hoists and not subject to corrosion (see column 2 lines 48-58). Claim 5, as amended, to the contrary, requires that the sections are in semi-lubricated contact with each other. The description of the present application describes the way to accomplish this end by use of nitrided steel. It is clear, however, that Dawson teaches away from the use of this material. Further, Dawson teaches using breathers on each hydraulic stage (see column 3 lines 22-29) to prevent dirt from being sucked into the hydraulic mechanism (see column 1, lines 10-11). As people in the art will appreciate, and as mentioned in the background section of the present application at page 2, these breathers are very quickly filled, which results in causing air to be pushed and

aspired through wipers installed on these piston heads, these wipers therefore being very rapidly damaged, thereby leaving debris to contaminate the hoist. Claim 5, as amended, on the other hand, call for the free entry of ambient air into the hoist, between the piston head and the respective tubular section.

The Examiner also comments that the Griffin reference supposedly discloses the basic claimed device except for the particular material, but there is no evidence that nitrated steel is well known in the art of telescopic hoist arrangements. Dawson certainly teaches away from using any steel alloy.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw the rejection of claim 5 under 35 U.S.C. § 103, first paragraph.

The Examiner had further commented that the features upon which applicant had relied in the prior response (i.e., the hoist allowing air to enter freely and a piston head made from a material allowing semi-lubricated contact) were not explicitly recited in the rejected claim(s). With these amendments to claims 1, 2 4 and 5, those limitations are now explicitly reflected in the claims.


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The rejections of the claims are believed to have been overcome by the present remarks and amendments. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited. If the Examiner believes that a telephone conference with counsel for the applicants would advance the prosecution of this application, she is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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